

1 STEVEN G. KALAR
Federal Public Defender
2 GRAHAM ARCHER
Assistant Federal Public Defender
3 55 S. Market Street, Suite 820
San Jose, CA 95113
4 Telephone: (408) 291-7753
Graham_Archer@fd.org
5
Counsel for Defendant, DOUGLAS STORMS YORK
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 UNITED STATES OF AMERICA,)	No. CR 15-00226 EJD
)	
13 Plaintiff,)	DEFENDANT DOUGLAS STORMS
)	YORK'S AMENDED PROPOSED JURY
14 vs.)	INSTRUCTION REGARDING COUNT
)	TWO
15)	
)	
16 DOUGLAS STORMS YORK,)	Trial Date: August 25, 2015
)	
17 Defendant.)	
18 _____)	Honorable Edward J. Davila

19

20 Defendant Douglas Storms York, by and through Assistant Federal Public Defender Graham
21 Archer, submits this amended proposed jury instruction regarding count two for the Court's
22 consideration.
23
24
25
26

Defendant York's Disputed Instruction Re: Count Two - Elements of Offense

Mr. York is charged in Count Two of the Indictment with Telecommunications Device Harassment, in violation of Title 47, section 223(a)(1)(C) of the United States Code.

In order for the Mr. York to be found guilty of this charge, the government must prove each of the following elements beyond a reasonable doubt:

First, On or about February 23, 2012;

Second, Mr. York used a telecommunications device;

Third, Mr. York failed to disclose his identity;

Fourth, Mr. York acted with the intent to abuse, threaten and harass a specific person; and

Fifth, the communication was an interstate or foreign communication.

47 U.S.C. § 223(a)(1)(C)

Dated: August 26, 2015

Respectfully submitted,

STEVEN G. KALAR
Federal Public Defender

s/
GRAHAM ARCHER
Assistant Federal Public Defender